

## Welsh Newton and Llanrothal NDP Independent Examination

### Delegated Decision Statement

18 June 2019

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Welsh Newton and Llanrothal Neighbourhood Area
Parish Councils	Welsh Newton and Llanrothal Parish Council
Submission consultation (Reg 16)	7 November 2016 to 19 December 2016
Examination	May 2017
Second submission consultation (Reg 16)	1 November to 13 December 2018
2 <sup>nd</sup> Examination Date	May - June 2019
Inspector Report Received	12 June 2019

#### 1 Introduction

- 1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.
- 1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority's responsibilities under Neighbourhood planning.
- 1.3 This Decision Statement confirms that the modifications proposed by the examiner's report have been accepted, the draft Welsh Newton and Llanrothal Neighbourhood Plan has been amended taking into account the modifications, and that NDP may proceed to referendum

#### 2 Background

- 2.1 The Neighbourhood Area of Welsh Newton and Llanrothal was designated on 29 January 2013. The Neighbourhood Area follows the parish boundaries of Welsh Newton and Llanrothal. The Welsh Newton and Llanrothal NDP has been prepared by Welsh Newton and Llanrothal parish council. Work on the production of the plan has been undertaken by members of the local community through a Neighbourhood Plan Steering Group since winter 2013.

- 2.2 The plan was previously sent to examination on 13 January 2017, the examiner's report was received on 27 June 2017. Following examination the Parish Council decided to withdraw the plan, as they were concerned that the comments within the report do not reflect the community work and aspirations and wished to review procedures in relation to the assessment of reasonable alternatives. The plan has now been revised and updated. Herefordshire Council revised the SEA and HRA in light of the examiner's comments and carried out another regulation 16 consultation and examination.
- 2.3 The Plan was re submitted to Herefordshire Council on 26 October 2018, and the consultation under Regulation 16 took place between the 1 November to 13 December 2018, where the Plan was publicised and representations invited.
- 2.4 On 18 February 2019 Rosemary Kidd Dip TP, MRTPI was appointed by Herefordshire Council, with the consent of Parish Council, to undertake the examination of the Welsh Newton and Llanrothal NDP and to prepare a report of the independent examination.
- 2.5 The examiner's report concludes that subject to making the modifications recommended by the examiner, the plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 Having considered each of the recommendations made within the examiner's report and the reasons for them, Herefordshire Council (in accordance with the 1990 Act Schedule 4B paragraph 12) has decided to make the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.

### 3 Recommendations by the examiner

- 3.1 The table 1 below details the recommendations made by the examiner within her report along with the justification:

Policy	Modification recommended	Justification
Modification 1 Title plan	Revise the date of the Plan period to 2019 - 2031.	Interests of accuracy and clarity updating information.
Modification 2 Policies maps	Include the three Policies Maps and Map 5 in the Plan at full page size. Delete Maps 6 – 9. Revise Map 1 to only show the boundary of the Plan area. Use metric measurements throughout.	Interests of accuracy and clarity.
Modification 3 Objectives	Delete the supporting text under each objective. Place it under sections 4.3, 4.4 or 4.5 as appropriate.	Interests of accuracy and clarity.
Modification 4	Revise Policy WNL1 as follows: Add the following to criterion 2: "Security lighting should be	Interests of accuracy and clarity.

Policy WNL1	<p>appropriate, unobtrusive and energy efficient.”</p> <p>Delete criterion 6.</p> <p>Include reference to the Local Wildlife Sites being shown in the Policies Map in the justification to the Policy and proposals affecting them being determined against Core Strategy Policy LD2.</p> <p>Revise criterion 7 to read: “.....by providing species rich hedgerows <i>which provide habitats for wildlife including dormice, ponds....</i>”</p> <p>Delete from criterion 9 “eg beech, ash, sweet chestnut, cherry”. Include a list of trees and bushes in the justification.</p> <p>Delete criterion 14.</p> <p>Show the map of viewpoints (Map 5) at full page size or on the Policies Map and revise criterion 15 to refer to the relevant map.</p> <p>Delete “<i>This list of views .....important to the area</i>” from criterion 15.</p>	<p>Conform to national policy guidance on Planning Obligations and NPPF.</p> <p>Removal of superfluous information.</p>
Modification 5  Policy WNL3	Delete the final paragraph of Policy WNL3.	Removed due to repetition and overlap with policy WNL1.
Modification 6  Policy WNL4	Delete Policy WNL4 and the justification in paragraphs 5.1.15 to 5.1.18.	<p>Common land already protected, therefore designation as greenspace is unnecessary.</p> <p>Lack of evidence to support Glebe field as a greenspace.</p>
Modification 7  Policy WNL5	<p>Revise Policy WNL5 as follows:</p> <p>Revise the second sentence of criterion 1 to read: “Local heritage assets <i>should be conserved and enhanced in accordance with Core Strategy Policy LD4</i>. Development proposals which could impact on .....design.”</p> <p>Delete the first sentence of criterion 2.</p> <p>Delete “within the Group Parish” and the second sentence (“Due reference.... statements.”) from criterion 4. Include the full titles of relevant explanatory guidance in the justification to the policy.</p> <p>Delete the second sentence of criterion 5.</p> <p>Incorporate the policy on security lighting into criterion 2 of Policy WNL1.</p> <p>Add “<i>The use of rainwater recycling, SUDS, photovoltaics,</i></p>	<p>Avoid repetition.</p> <p>Conformity to NPPF para 135 and local plan policies LD4.</p> <p>Strengthen and clarify the justification of the policy.</p>

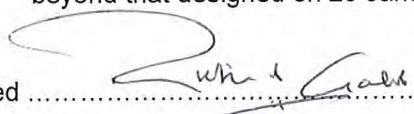
	<p><i>renewable energy should be incorporated into the development wherever possible</i>" to the justification to the policy.</p>	
<p>Modification 8</p> <p>Policy WNL6</p>	<p>Revise Policy WNL6 as follows:</p> <p>Add the following after the first sentence in the second paragraph: "<i>New housing should be accessed directly from a made up road.</i>"</p> <p>Delete the Design and Finish and Natural Environment sections.</p> <p>Include the Design and Finish section in Policy WNL5.</p> <p>Combine and revise the second and third paragraphs to read: "<i>Designs should be informed by the distinctive local character of the rural area. Ridge heights should not exceed 6m. Eco building principles will be supported wherever possible</i>".</p> <p>Incorporate the first paragraph of the Natural Environment section into Policy WNL3.</p> <p>Include the examples in the justification to Policy WNL3.</p> <p>Update the figures in paragraph 5.2.3.</p>	<p>Update data supporting the policy.</p> <p>Strengthen the justification of the policy. To ensure there are adequate controls for development.</p> <p>Avoid repetition.</p> <p>Interests of accuracy and clarity.</p>
<p>Modification 9</p> <p>Policy WNL7</p>	<p>Revise Policy WNL7 as follows:</p> <p>Delete criteria 1 – 7.</p> <p>Include the text of criterion 5 in a new policy entitled "<i>Extensions to Dwellings in the Countryside</i>".</p> <p>Revise the first sentence to read: "<i>Proposals for extensions to dwellings outside the settlement boundary to increase.....</i>"</p> <p>Revise the sub-heading of the policy to "<i>Occupancy of Agricultural and Forestry Dwellings</i>".</p> <p>Revise the first paragraph under Agricultural Occupancy and Forestry to read: "<i>.....in perpetuity, where possible:.....</i>".</p> <p>Revise the second paragraph under Agricultural Occupancy and Forestry to read "<i>Where there is a need for temporary housing for agricultural, forestry or other rural workers, all ....exists.</i></p> <p>Delete the second sentence of paragraph 5.2.14 and the last sentence of paragraph 5.2.16.</p>	<p>Remove unnecessary repetition.</p> <p>Improve conformity to national and local planning policies.</p> <p>Interests of clarity and accuracy.</p> <p>Removal of imprecise information and reflects para 55 of the NPPF.</p>
<p>Modification 10</p> <p>Policy WNL8</p>	<p>Revise Policy WNL8 as follows:</p> <p>Revise the title of the policy to "<i>Conversion of Rural Buildings to Residential Use</i>".</p> <p>Revise the first four paragraphs to read: "<i>Proposals for the re-use and adaptation of rural buildings will be supported where the development is in accordance with Core Strategy Policy RA5. The conversion of rural buildings to meet identified local housing need will be supported. The re-use of traditional buildings of stone or</i></p>	<p>Interests of accuracy and clarity.</p> <p>Improve conformity to National and Local planning policies.</p> <p>Removal of repetition.</p>

	<p><i>similar construction and vacant dwellings will be supported, where practicable.</i></p> <p>Delete criteria 1 – 5.</p> <p>Include examples of how the policy should be interpreted in the justification including the possible sites identified.</p> <p>Delete "External lighting should be kept to a minimum".</p> <p>Delete the section on Sustainability.</p>	
Modification 11  Policy WNL9	<p>Delete Policy WNL9 Site Allocation and paragraphs 5.2.21 to 5.2.30.</p> <p>Delete the site from the Policies Map.</p>	Update housing position, site has been granted planning permission.
Modification 12  Policy WNL10	<p>Correct punctuation and typographical error in Policy WNL10.</p>	In the interest of accuracy and consistency.
Modification 13  Policy WNL11	<p>Revise Policy WNL11 as follows:</p> <p>Revise paragraph 3 to read "Polytunnel developments <i>should not</i> adversely affect.....local heritage assets."</p> <p>Revise the final paragraph to read "Polytunnels <i>should not be sited</i> in the fluvial flood plain."</p> <p>Add a new paragraph to the policy as follows: "<i>Polytunnel developments should carefully address flood risk and surface water run-off and the potential adverse impacts on local water resources by:</i></p> <ul style="list-style-type: none"> <li>• <i>Discharging into existing drainage ditches or constructing them where they do not exist so there is a logical flow into the greater river system;</i></li> <li>• <i>Discharging from surface water attenuation at greenfield discharge rate.;</i></li> <li>• <i>Providing surface water attenuation such as attenuation basins storage tanks, lagoons or farm storage reservoirs;</i></li> <li>• <i>Using swales to cleanse water and also to disperse a proportion of the runoff via soakaways; and</i></li> <li>• <i>Discharging runoff to soakaways or using drainage basins to cleanse water and disperse run-off via soakaways."</i></li> </ul> <p><i>Mitigation management measures could include: Constructing drainage channels/tile drains/French drains etc. as necessary so that surface water run-off from poly tunnel development is captured effectively and directed into attenuation lagoons."</i></p> <p>Add a paragraph in the justification to explain that the policy supports using sustainable drainage systems (SUDs) for</p>	<p>Update policy in light of updated Poly tunnel SPD guidance.</p> <p>Strengthen justification of the policy.</p>

	active water management as a mitigation measure to prevent harm to existing watercourses, ecological assets and soil erosion.	
Modification 14 Policy WNL13	<p>Revise Policy WNL13 as follows:</p> <p>Revise the title to read “Community Led <i>Renewable or Low Carbon Energy Development</i>”.</p> <p>Revise the first paragraph to read “...community led <i>renewable or low carbon energy schemes to meet....</i>”</p> <p>Revise criterion 1 to read: “Visual impact on the landscape <i>is minimised by....</i>”</p> <p>Revise criterion 2 to read: “<i>The proposal would not have an unacceptable impact on residential amenity, particularly impacts from noise.</i>”</p> <p>Revise criterion 3 to read: “<i>There are no unacceptable impacts on local wildlife habitats.</i>”</p> <p>Revise criterion 5 to read: “Small scale wind turbines <i>should be located where they are not visually intrusive.</i>”</p> <p>Include Policy SD2 in the list of Herefordshire Core Strategy Policies.</p>	<p>Strengthen policy justification.</p> <p>Improve conformity to National and Local planning policies.</p> <p>Improve clarity of wording.</p>
Modification 15 Policy WNL14	<p>Revise Policy WNL14 as follows:</p> <p>Revise the title to read “Renewable and <i>Low Carbon Energy Development</i>”.</p> <p>Revise the first paragraph to read “<i>Renewable and low carbon energy schemes .... criteria.</i>”</p> <p>Delete criteria 3, 4 and 8.</p>	<p>Interests of clarity and accuracy.</p> <p>Strengthen policy justification and adherence to national and local planning policies.</p>
Modification 16 Policy WNL16	<p>Revise Policy WNL16 as follows:</p> <p>Revise the first paragraph to read: “...to other uses <i>will only be supported where the following can be demonstrated:</i>”</p> <p>Revise paragraph 5.4.8 to read “<i>The following community facilities are covered by this policy: The village hall, the church of St Mary the Virgin church, Welsh Newton and the redundant church of St John the Baptist, Llanrothal.</i>”</p> <p>Delete Appendix 3.</p> <p><i>Developer contributions towards improved community infrastructure will be sought where it is shown that the obligation is necessary to make the scheme acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.</i>”</p>	<p>Interests of clarity and consistency.</p> <p>Removal of inappropriate information.</p> <p>Improve policy flexibility.</p>

#### 4 Post Adoption SEA and HRA

- 4.1 The modifications made as a result of the Examiner's report, as outlined above in Section 3 of this document, have been considered in terms of any resultant changes to the Strategic Environmental Assessment and Habitat Regulations Assessment. None of the changes are considered to have a significant effect on the overall appraisals. The updated SEA and addendum to the HRA are available to accompany the final plan.
- 4.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan. Herefordshire Council have considered each of the recommendations made in the examiner's report and the reasons for them and have decided to accept the modifications to the draft plan
- 4.2 The draft plan will be altered in line with Table 1 above and also the points set out in paragraph 3.2, in line with paragraph 12 (6) of Schedule 4B to the 1990 Act.
- 4.3 Following the modifications made, the Welsh Newton and Llanrothal Neighbourhood Plan will meet the basic conditions:
- Having regard to national policies and advice contained in guidance issues by the Secretary of State, it is appropriate to make the plan
  - The making of the neighbourhood plan contributes to the achievement of sustainable development
  - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the Herefordshire Local Plan – Core Strategy
  - The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations and
  - The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.
- 4.4 It is recommended that the Welsh Newton and Llanrothal Neighbourhood Plan progresses to referendum. Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. Herefordshire Council concur with examiners conclusion that nothing has been suggested which would require an extension of the area beyond that designed on 29 January 2013.

Signed .....  .....

Dated ..... 15.6.2019 .....

**Richard Gabb**  
**Programme Officer – Housing and Growth**

